

ORDINANCE NO. 2014-3882

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 2-1, TO BE ENTITLED "REASONABLE OPPORTUNITY TO BE HEARD," TO PROVIDE RULES REGARDING PUBLIC PARTICIPATION IN CITY MEETINGS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, during the 2013 Legislative Session, the Florida Legislature adopted Senate Bill 50 which created Section 286.0114 of the Florida Statutes establishing requirements for rules or policies adopted by State or local boards and commissions with regard to the public being given a reasonable opportunity to be heard by such boards before official action is taken on a proposition; and

WHEREAS, the Miami Beach City Charter's Bill of Rights provides for a right to be heard before the City Commission or any City agency, board or department with regard to the presentation of an issue, request, or controversy within the jurisdiction of the City; and

WHEREAS, in conformance with established City policy and procedures for reasonable opportunities to be heard by the public, and the new provisions in Section 286.0114 of the Florida Statutes, the following amendments to Chapter 2 of the City Code are deemed to be in the best interests of the City.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1.

That Chapter 2, Section 2-1 of the Miami Beach City Code is hereby amended as follows:

Chapter 2

ADMINISTRATION

ARTICLE I. IN GENERAL

* * *

Sec. 2-1. ~~Reserved.~~ Reasonable opportunity to be heard.

- (a) Members of the public shall be given a reasonable opportunity to be heard and to provide public comment on a proposition before the City Commission and any City agency, board, or committee. All references in this section to "board" shall apply to the City Commission and all City agencies, boards, and committees provided for in this Code or created by a resolution of the City Commission. The opportunity to be heard need not occur at the same meeting at which the board takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the board takes official action. This section does not prohibit the board from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to the restrictions of this section.
- (b) The requirements of this section do not apply to:
- (1) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board to act;
 - (2) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
 - (3) A meeting that is exempt from Florida's Government in the Sunshine Law;
or
 - (4) A meeting during which the Board is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law. The portion of a meeting during which the board is acting in a quasi-judicial capacity shall be conducted in accordance with sections 2-511 through 2-513 of the City Code.
- (c) The City Clerk, or the liaison or secretary to any City agency, board, or committee, is hereby authorized to provide a form to any individual who desires to be heard in order to inform the board of the proposition on which an individual wishes to speak and to indicate his or her support, opposition, or neutrality on a

proposition; and to indicate his or her designation of a representative, if any, to speak for him or her, or his or her group, on a proposition.

(d) An individual speaker's time to provide public comment shall be limited to three (3) minutes; however, additional time for further public comment on any proposition may be provided by the Mayor or board Chairperson or by a majority vote of the board's membership, the board may provide additional time for further public comment on any proposition.

(e) When a large number of individuals more than five (5) individuals wish to be heard on a proposition, the Mayor, or board Chairperson, may request that a representative of the group or faction speak on behalf of said group or faction, rather than all members of such group or faction. In such event, the representative shall be limited to five (5) minutes to speak; however, additional time to speak may be provided by the Mayor or board Chairperson or by a majority vote of the board's membership, the board may provide additional time to speak.

(f) If determined reasonable by the Mayor or board chairperson, or by a majority vote of the board, an equitable amount of time may be allotted for public comment in favor of and against a proposition.

(f-g) If an ordinance fails on first reading before the City Commission pursuant to a vote or inaction, the reasonable opportunity to be heard shall be deemed to have occurred at a Commission Committee meeting where the ordinance was on the agenda and an opportunity to be heard on the ordinance was provided, or during the Dr. Stanley Sutnick Citizen's Forum held during the same City Commission meeting when the ordinance is on the agenda for first reading. In addition, the sponsor of the ordinance may request that another opportunity to be heard be provided prior to, or after, the Commission's discussion or vote on the ordinance during first reading.

Secs. 2-42 – 2-10. Reserved.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the 21 day of June, 2014.

PASSED and ADOPTED this 11 day of June, 2014.

ATTEST:

 7/7/14

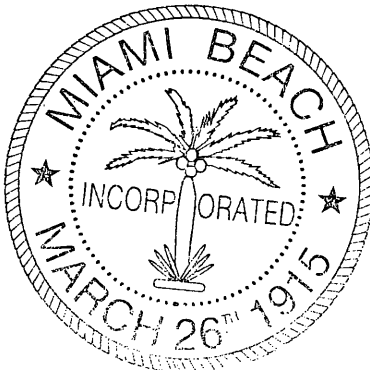
RAFAEL E. GRANADO, CITY CLERK





PHILIP LEVINE, MAYOR

Underline denotes additions
Strike through denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



 6-3-14

City Attorney  Date